

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: R. T. Chern, et al.

Group No.: 1615

U.S. Serial No.: 09/271,098

Filed: March 18, 1999

Examiner: S. Sharareh

For: LIQUID POLYMERIC COMPOSITIONS FOR CONTROLLED  
RELEASE OF BIOACTIVE SUBSTANCESAssistant Commissioner for Patents  
Washington, D.C. 20231TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION  
[37 CFR 1.321]

I, David L. Rose, residing at  
46 Otter Creek Road, Skillman, NJ 08558, am a representative  
of the assignee identified below, empowered to act on its behalf, pursuant to attached  
Corporate Resolution No. 5, dated 04/27/2001.

The assignee, Merck & Co., Inc.,  
certifies that it is the assignee of the entire right, title and interest in the above-identified  
patent application by virtue of an Assignment from the inventor(s) in the aforesaid  
patent application, which was recorded in the United States Patent & Trademark Office  
on Reel(s) \_\_\_\_\_ Frame(s) \_\_\_\_\_  
on \_\_\_\_\_ or which was forwarded for recording on \_\_\_\_\_,  
or is being concurrently forwarded for recording under separate cover. Copies of the  
transmittal letter and assignment are attached. The aforesaid assignment establishes the  
ownership in the assignee of the above-identified application pursuant to 37 CFR 3.73(b).

The undersigned has reviewed all of the evidentiary documents in the chain of title of  
the above-identified patent application, and the undersigned certifies that, to the best of  
the undersigned's knowledge and belief, title is in the assignee named above.

I hereby disclaim the terminal part of the statutory term of any patent granted on the  
above-identified application, which would extend beyond the expiration date of the full  
statutory term of:

☒ United States Patent No. 6136838, or as presently shortened by any terminal  
disclaimer,

☐ Any patent granted on application serial number \_\_\_\_\_

and hereby agree that any patent so granted on the above-identified application shall be enforceable on, for and during such periods that the legal title to said patent shall be the same as the legal title to:

☒ United States Patent No. 6136838 ,

☐ Any patent granted on application serial number \_\_\_\_\_ ,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of:

☒ United States Patent No. 6136838 , or as presently shortened by any terminal disclaimer,

☐ Any patent granted on application serial number \_\_\_\_\_ ,

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Assistant Commissioner is requested to charge Account No. 13-2755 the sum of \$130.00 and any fee deficiency required by this paper. A duplicate of this disclaimer is attached.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.

MERCK & CO., INC.

By *David L. Rose* Date May 21, 2001

In Duplicate  
Attachs.

Date: 05/21/2001


*David L. Rose*  
Disclaimant David L. Rose  
Attorney \_\_\_\_\_

\_\_\_\_\_  
Title  
Merck & Co., Inc.  
Patent Dept., RY60-30  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
Telephone No. (732) 594-4777

CERTIFICATION

I, Debra A. Bollwage, Assistant Secretary of Merck & Co., Inc., a Corporation duly organized and existing under the laws of the State of New Jersey, do hereby certify that the attached, presently in full force and effect, is a true and correct copy of General Corporate Resolution #5, Patent Matters, as amended by Unanimous Written Consent of the Board of Directors of said Corporation on April 24, 2001.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and affixed the seal of the Corporation this 27<sup>th</sup> day of April, 2001.

  
\_\_\_\_\_  
Debra A. Bollwage  
Assistant Secretary

(SEAL)

**General Corporate Resolution #5**

**PATENT MATTERS**

RESOLVED, that any of the following:

Raymond V. Gilmartin-Chairman of the Board, President and Chief Executive Officer  
Kenneth C. Frazier-Senior Vice President and General Counsel  
Joseph F. DiPrima-Vice President and Assistant General Counsel  
Paul D. Matukaitis-Vice President and Assistant General Counsel  
Edward W. Murray-Counsel, Litigation  
Charles M. Caruso-Counsel, International  
W. Gwyn Cole-Counsel-European Patents  
Mark R. Daniel-Counsel, Patents  
David L. Rose-Counsel, Patents  
Jack L. Tribble-Counsel, Patents  
Melvin Winokur-Counsel, Patents  
Richard C. Billups-Assistant Counsel, Patent Practices  
Donna L. Margiotto-Administrator, Patents

are authorized to execute and to revoke on behalf of Merck & Co., Inc. and its affiliates (including subsidiaries) the following documents relating to patent matters:

Powers of attorney as fully in law as may be necessary and proper in connection with the acquisition, registration, maintenance and enforcement of patents and applications for patents, including powers of attorney relating to the prosecution or defense of patent rights before courts of law or other governmental tribunals, agencies or departments; affidavits and declarations; and any other documents which are necessary and proper for the acquisition, registration, maintenance, litigation and protection of patents.

**PATENT COOPERATION TREATY**  
General Appointment of Agent or Common Representative

The undersigned applicant(s) hereby appoints:

Sylvia A. Ayler	Shu Muk Lee
Richard C. Billups	James L. McGinnis
Valerie J. Camara	David A. Muthard
Anna L. Cocuzzo	Curtis C. Panzer
Joseph A. Coppola	Richard S. Parr
Mark R. Daniel	Dianne Pecoraro
Joseph F. DiPrima	Carol S. Quagliato
Philippe L. Durette	David L. Rose
Catherine D. Fitch	Anthony D. Sabatelli
J. Antonio Garcia-Rivas	J. Eric Thies
Joanne M. Giesser	Jack L. Tribble
J. Mark Hand	Nicole M. Wallinger
Sheldon O. Heber	Kenneth R. Walton
James M. Hunter, Jr.	Melvin Winokur
Soonhee Jang	Mollie M. Yang
Vineet Kohli	Michael D. Yablonsky
	Raynard Yuro

All of Merck & Co., Inc., 126 East Lincoln Avenue, Rahway, New Jersey 07065

as agents (attorneys)

to act on his behalf before the competent International Authorities in connection with any and all International Applications filed by him and of which he is the sole applicant and to receive payments on his behalf.

[Place] Rahway, New Jersey

[Date] February 26, 2001

[Signature of Applicant]  
MERCK & CO., INC.

Donna L. Pollock  
Donna L. Pollock  
Administrator, Patents

**P&T OFFICE ACKNOWLEDGEMENT**

ATTORNEY Shu Mik Lee		DATE 5/21/01
CASE NUMBER/ 20023Y	SERIAL NUMBER 09/271,098	
DATE FILED March 18, 1999		
APPLICANT Ray T. Chern		
EXPRESS MAIL NO.		

The Patent & Trademark Office acknowledges, and has stamped hereon, the date of the receipt of the items checked below:

- ☒ AMENDMENT
- ☐ APPEAL AND FEE
- ☐ ASSIGNMENT
- ☒ ~~AMEND~~ Terminal Disclaimer
- ☐ CERTIFICATE OF CORRECTION
- ☐ FINAL FEE
- ☐ LETTER
- ☐ REQUEST FOR F.F. LICENSE
- ☐ INFORMATION DISCLOSURE STATEMENT
- ☐ PTO 1449 & REFERENCES
- ☒ PETITION FOR EXTENSION OF TIME & FEE (2 Month Ext.)
- ☐ INVITATION TO CORRECT
- ☐ DEMAND-CHAPTER II & FEE SHEET
- ☒ Copy of Corporate Resolution # 5